

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUIS A. SIERRA,

Plaintiff,

Case No. 05-60250

v.

Hon. John Corbett O'Meara

FARMER JACK,

Defendant.

ORDER OF PARTIAL DISMISSAL

On October 28, 2005, Plaintiff filed a two-count complaint in this action alleging violations of Title VII and the Michigan Elliott-Larsen Civil Rights Act. Plaintiff does not allege that diversity jurisdiction exists. Although Plaintiff's Title VII claim is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Elliott-Larsen Civil Rights Act claim is DISMISSED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: December 22, 2005